REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed February 12, 2009. Applicant has amended claims 1 and 9 to more particularly define the invention in a patentable manner over the cited prior art.

The Rejection Of Claim 1 Under 35 U.S.C 112, First Paragraph, Is Overcome

The last O.A. rejected claim 1 indicating that the Examiner found no recitation for the limitation "past shopping behavior metrics for each product class as derived from past incentives redeemed, past incentives refused, and a plurality of items first scanned within a product class". The claim has been amended to more accurately match the specification as reflected in the provisional application (page 11, lines 11 and 26), and the original application (page 20, paragraph 3). Accordingly applicant submits that claim 1 does comply with § 112 and therefore requests withdrawal of this objection.

The original application specifically discusses the ability to determine if an incentive has been accepted or declined (page 20, paragraph 3). Additionally claim 1 describes a system that presents only relevant and actionable custom coupons to the customer in the store while still shopping for the relevant product. In this situation the customer will make the immediate decision to redeem or decline the coupons presented and that decision will be directly reflected in the coupons ultimately redeemed and declined.

Christensen, on the other hand, teaches a system whereby a customer loads a computer program onto his or her personal computer, registers said program by calling an 800 number to provide detailed demographic information, and then is able to search the application on his or her computer for any coupons the customer might be interested in. Once a customer locates a coupon, he or she would print the coupon on a printer whereby the coupon would have a unique household ID printed on it. At this point the

coupon is no different in usage than a common printed paper coupon. Christensen describes that the household ID printed on the coupon would allow his system to determine "which consumers purchased which particular products and from which retailers" (Column 10, Lines 48-50). More importantly, Christensen teaches that based on the coupons redeemed his system can emphasize and de-emphasize whole categories of coupons, however he does not suggest the ability to establish that any specific incentive has been explicitly rejected.

> "If the consumer redeems no coupons from a given category, such coupons may be de-emphasized until the consumer's buying habits change. For example, if a given consumer uses no baby or child product coupons, such categories may be de-emphasized. If a consumer starts redeeming such coupons, then it may be inferred that the consumer has started a family, and coupons targeted toward family needs may then be included in a consumer's subsequent mailings." (Column 10, Lines 4-12)

With the Christensen system when a coupon has not been redeemed, even though it has been loaded into a customer's computer, Christensen does not infer that the coupon has been "rejected", only that the whole product category can be de-emphasized. Furthermore, in scenarios where a coupon has been *confirmed as printed* and still not redeemed even then Christensen warns *against* presuming that as accurate enough to infer that the printed incentive has been rejected. He explicitly teaches against making such an assumption.

> "Coupon printing information may be uploaded via such on-line services to provide marketing data, however, it is believed that such printing data may not be as accurate as redemption data, as redemption data indicates a definite sale of a product." (Column 11, Lines 22-26)

Given that Christensen teaches against the ability to infer coupon rejection in the event that a coupon is printed and then not redeemed, it is clear that in the event a coupon has not been printed and not redeemed that this would be an even more unreliable indicator of individual incentive rejection.

The system described in claim 1 establishes precise ongoing shopping behavior metrics through the tracking of past items first scanned within a product class while shopping and, because of the timely immediacy of incentives offered in the store at the moment a purchase decision is being made so that the system accurately track the incentives offered, the incentives declined, and the incentives ultimately redeemed.

The Examiner stated in the last office action that "Christensen teaches a method of distributing coupons in which selecting the coupons is based on which coupons have not been used in the past (past incentive redeemed) and which coupons have not been used (since the coupons were sent to the user and never redeemed, this equates to the past incentive that was refused by the user)". Applicant submits that if the Examiner is able to see specific incentive redemption and refusal in a system as weakly linked as Christensen then the rejection of claim 1 for lacking a specification directed towards incentives based on past incentives refused should be cleared.

The Rejection Of Claim 1 Under 35 U.S.C 112, Second Paragraph, Is Overcome

The last O.A. rejected claim 1 indicating that the Examiner found the recitation of "a plurality of items first scanned" to be unclear and suggested that one item could be the first scanned within a plurality of items. Applicant requests withdrawal of this rejection because the claim has been amended and has been made more precise.

The Rejection Of Claim 1 Under 35 U.S.C. 103(a) On Deaton In View Of Sloane Further In View Of Christensen Is Overcome

The last O.A. rejected claim 1 on the teachings of Deaton (U.S. Patent No. 6,292,786) in view of Sloane (U.S. Patent No. 5,918,211) further in view of Christensen (U.S. Patent No. 5,710,886). Applicant requests withdrawal of this rejection because the claim has been amended and has been made more precise. Applicant also requests withdrawal of this rejection because the references teach away from combination and one of ordinary skill in the art would not combine the above references without impermissible hindsight. Furthermore, even if the references were combined, Deaton, Sloane, and Christensen do not teach the unique aspects described in claim 1.

Differences in manufacturer controlled offer engines

Sloane teaches a system that offers shoppers incentives which have been preloaded from each manufacturer into a controller that later determines if a consumer will receive notification of the incentive being offered. Because the loading of these incentives happens prior to the shopper scanning a product the system described by Sloane does not deliver shopping incentives individually customized to influence each customer. Accordingly Sloane also fails to describe a system that combines the product being considered for purchase with the consumer's past shopping behavior metrics to create targeted and customized incentives.

The Examiner suggested in the last office action that "the incentive offered to the user could be a promotion for the product scanned or a promotion for other competitive products (this is an example of competitive incentive offer engines)". In the passage referenced by the Examiner Sloane only speaks of product promotions but not of the means by which they are established within the system. A few lines later though Sloane describes a system where consumers can use the system to access "discounts, credits, reward or product promotions contained and stored in their electronic frequent

shopper account" (Sloane Column 3, Lines 37-40). The incentives described by Sloane are preexisting incentives loaded on the server before the consumer makes any selections. There is no suggestion or description in Sloane that there are incentive offer engines, competitive incentive offer engines, or a plurality of competing manufacturer controlled dynamic incentive offer engines to deliver shopping incentives. The only way one could see the competitive incentive offer engines in Sloan would be to selectively parse out a thin portion of the description, disregard the details and context of that description, to over generalize the selected description, and to finally broaden the scope of the description using impermissible hindsight.

The incentive delivery system described by Deaton is also significantly different from that described in claim 1. Deaton teaches a system for delivering incentives based on purchases as scanned at the point of sale (POS) register and a history of items purchased by the customer in previous shopping trips. The Deaton system does not describe using products currently being considered by the customer while shopping nor does it describe using a customer's past shopping behavior metrics such as the item first scanned while shopping within the product class on a shopping trip, the product class incentives offered on said shopping trip, the product class incentives redeemed on said shopping trip, and the product class incentives declined on said shopping trip.

Deaton does describe a system where manufacturer computers determine the incentives to be offered, however the input and output capabilities specified for the computers in Deaton's system are substantially different from the independently competing manufacturer controlled dynamic incentive offer engines described in claim 1. The computers described in the Deaton system would not accept customer behavior data comprised of demographic information and customer's past shopping behavior metrics such as the item first scanned while shopping within the product class on a shopping trip, the product class incentives offered on said shopping trip, the product

class incentives redeemed on said shopping trip, and the product class incentives declined on said shopping trip. Because of the lack of detailed behavior data, Deaton's system does not provide the same targeted customization for each incentive. Claim 1 and Deaton both describe "manufacturer computers" but they cannot be regarded as equivalent and would not be perceived as equivalent unless one were to selectively parse out a very narrow definition of "manufacturer computer" from the Deaton description, disregard the input and output details, disregard the usage context surrounding that description, to then over generalize the selected description, and to finally selectively broaden the scope of the description using impermissible hindsight to find equality with claim 1. Accordingly to extend the function of the manufacturer computers in Deaton to meet that described in claim 1 would only be possible with impermissible hindsight.

The combination of Sloane and Deaton is not suggested or obvious

Because the Deaton system relies on the POS system for both data capture and for providing incentives it also does not describe a wireless device that has a scanning means usable by the shopper to read the machine readable codes, that can communicate the machine readable code and shopper information to a processing application, that can receive incentives from said processing application, that has a user interface usable by the shopper to select the incentives to be redeemed, that has means for communicating said incentives to be redeemed to a point of sale system, and that has means for communicating said incentives to be redeemed to said processing application.

The manufacturer controlled incentive engines described by Deaton are incompatible with the data that would be provided by a wireless system as described by Sloane. The data the Deaton system sends to the manufacturer controlled incentive engines is limited to items purchased and prices paid. If one were to combine the wireless

handheld scanner described by Sloane with the manufacturer controlled incentive engines described by Deaton, the incentive engines would instead receive additional data scanned while the person is shopping and has not yet finalized a purchase decision. The manufacturer controlled incentive engines described by Deaton would not expect and therefore not be able to handle the kinds of data that would be provided by such a system. The references not only do not teach the unique aspects described by claim 1, the references teach away from combination. One of ordinary skill reading these patents would not be led to combine them. To extract such specific descriptions from these references, to then over generalize their roles in their respective systems, to then recombine these pieces out of their original sequence, while also adding the missing features described in claim 1 would not be possible without the benefit of impermissible hindsight.

Market share concerns and budgetary efficiency/efficacy concerns

The system described by Deaton offers traditional post-purchase printed coupons delivered via the point of sale register. Because printed coupons have expiration dates that measure in weeks and months the dynamic coupons offered by Deaton cannot offer the direct budgetary flexibility afforded by claim 1 where manufacturer's internal concerns include marketing budget and internal market share objectives. Printed coupons, such as those provided by Deaton, are no better than the coupons printed in the Sunday paper in that the manufacturer is unable to know the redemption status of an offered coupon for weeks or months. This time lag and uncertainty requires the manufacturer to tie up budgetary funds to cover estimated maximum redemption rates thereby limiting the flexibility needed to reallocate those funds to other more successful incentive programs or other better methods of marketing. Claim 1 purposefully remedies this problem by creating incentives that are offered while the shopper is in the aisle and standing in front of the array of competing products in the aisle at the precise moment the purchase decision is being made. The individual attributes described in

claim 1 are synergistic and not meant to be picked apart and dismissed one by one beyond the context of the whole claim. Claim 1 enables manufacturers to rapidly monitor and assess the success of each incentive and to quickly reallocate budgetary funds to those incentive programs that are most successful while reducing the funding of those that are not. It does not make sense to equate this enhanced budgetary control with the more rudimentary form of budgetary concerns as attributed to the references, and one would not be inclined to do so without the benefit of impermissible hindsight.

Sloane teaches away from combination with Deaton

Not only do the references not combine to provide the benefits described in claim 1, there is explicit teaching away from combination found in the references. Sloane explicitly teaches away from combining or integrating with any system that distributes coupons with certain key attributes. As explained in Sloane:

> "U.S. Pat. Nos. 4,910,672, 4,723,212, and 5,173,851, assigned to Catalina Marketing Corporation, disclose methods of dispensing coupons, including coupons for competitive products, based on a consumer's purchases as they are identified by the bar code scanner mounted inside the checkout counter, and connected to point-of-sale electronic system. Each of the systems disclosed require the use of checkout counter scanners, which are used as point-of-sale devices.
>
> The prior art methods of distributing consumer promotions and coupons, based on checkout scanner information, in an effort to affect future purchasing behavior are inefficient. This inefficiency is due to the fact that a substantial number of the issued discounts or coupons go unused because consumers are

required to remember to bring them to the store on their next visit." (Column 1, Lines 51-67)

These key elements referenced above in Sloane, specifically the system for dispensing coupons based on a consumer's purchases as they are identified by the bar code scanner mounted inside the checkout counter connected to point-of-sale electronic system, accurately describe those found in Deaton's. Sloane describes his system as superior and inherently incompatible with one such as that described by Deaton.

A person of ordinary skill in the art would have been discouraged from combing these individual elements given the explicit teaching away from such a combination as found in Sloane. It is only with impermissible hindsight that one would think to minutely parse and over generalize the features of Deaton, Sloane, and Christensen to arrive at the features described in claim 1.

Deaton determines incentives based on current purchases (scanned at point of sale) whereas Sloane describes a system that is used to scan products while still shopping, specifically identified as "Point-of-Purchase", where products are only selected and their ultimate purchase remains in question and open to influence. Sloane even discusses the distinction between the term point-of-sale as used by Deaton.

> "Promotional offers and coupon distribution for competitive products serve to alter the consumer's future purchasing behavior. The most widely used example of this involves coupons printed and distributed at the supermarket or retailer checkout counter based on the items that are purchased (i.e., point-of-sale). These issued coupons must be used on a subsequent trip to the supermarket or retail establishment." (Column 1, Lines 44-50)

Integration of Sloane and Deaton would not work because the system described by Sloane provides coupons while shopping and Deaton instead provides them only after products have been purchased. In the Sloane system products are only purchased after the consumer has returned the portable bar code scanner to the scanner center. Since the scanner would have been returned and not in the possession of the consumer all incentives would again have to be delivered after the shopping is competed as described in Deaton.

Additionally, the manufacturer controlled incentive engines described by Deaton are incompatible with the data that would be provided by a wireless system as described by Sloane. Deaton specifically describes a system that is designed to provide items purchased and prices paid to the manufacturer controlled incentive engines. However, if one were to combine the wireless handheld scanner described by Sloane with the manufacturer controlled incentive engines described by Deaton, the incentive engines would receive product data scanned while the person is still shopping and has not yet finalized a purchase decision. The manufacturer controlled incentive engines described by Deaton would not expect nor would they be able to handle the kinds of data that would be provided by such a system.

The references teach away from each other and would only be seen as combinable to arrive at the system described in claim 1 given a very selective parsing of the descriptions removing the context of inputs and outputs, a rearrangement of the order of use, and a generalizing of the selected descriptions with the use of impermissible hindsight.

Christensen category de-emphasis versus claim 1 declined incentives

Christensen teaches a system whereby a customer loads a computer program onto his or her personal computer, registers said program by calling an 800 number to provide

detailed demographic information, and then is able to search the application on his or her computer for any coupons the customer might be interested in. Once a customer locates a coupon, he or she would print the coupon on a printer whereby the coupon would have a unique household ID printed on it. At this point the coupon is no different in usage than a common printed paper coupon. Christensen describes that the household ID printed on the coupon would allow his system to determine "exactly which consumers purchased which particular products and from which retailers" (Column 10, Lines 48-50). Later Christensen teaches that based on the coupons redeemed his system can emphasize and de-emphasize whole categories of coupons, but he does not suggest the ability to establish that any specific incentive has been explicitly rejected.

> "If the consumer redeems no coupons from a given category, such coupons may be de-emphasized until the consumer's buying habits change. For example, if a given consumer uses no baby or child product coupons, such categories may be de-emphasized. If a consumer starts redeeming such coupons, then it may be inferred that the consumer has started a family, and coupons targeted toward family needs may then be included in a consumer's subsequent mailings." (Column 10, Lines 4-12)

When a coupon has not been redeemed, even though it has been loaded into a customer's computer, Christensen cannot infer that the coupon has been "rejected", only that the whole product category can be de-emphasized. Furthermore, in scenarios where a coupon has been confirmed as printed and still not redeemed Christensen warns against presuming that as accurate enough to infer that the printed incentive has been rejected. He explicitly teaches against making such an assumption.

> "Coupon printing information may be uploaded via such on-line services to provide marketing data, however, it is believed that such printing data may not

be as accurate as redemption data, as redemption data indicates a definite sale of a product." (Column 11, Lines 22-26)

Given that Christensen teaches against the ability to infer coupon rejection in the event that a coupon is printed and then not redeemed, it is clear that in the event a coupon has not been printed and not redeemed that this would be an even more unreliable indicator of individual incentive rejection.

The system described in claim 1 establishes precise ongoing shopping behavior metrics through the tracking of past items first scanned within a product class while shopping and, because of the timely immediacy of incentives offered in the store at the moment a purchase decision is being made so that the system accurately track the incentives offered, the incentives declined, and the incentives ultimately redeemed.

Neither Deaton nor Sloane describe tracking other past shopping behavior metrics such as past incentives redeemed, past incentives refused, or items first scanned within a product category on each shopping trip. The purchase history described by Deaton and Sloane falls far short of the metrics tracked by the system described in claim 1. While Christensen does describe printing a household ID onto each coupon it is not suggested that this mechanism would provide a metric for measuring incentives refused just because they were not printed and accordingly not redeemed. To reinforce this point Christensen teaches against making such assumptions of incentive rejection as inaccurate even in the event a coupon is printed and still not redeemed.

Given that Christensen teaches against the ability to infer coupon rejection in the event that a coupon is printed and then not redeemed, it is clear that in the event a coupon has not been printed and not redeemed that this would be an even more unreliable indicator of incentive rejection.

Neither Deaton nor Sloane nor Christensen describe capturing the customer behavior metrics that establish the efficacy of past incentives and their ability get each consumer to abandon (or retain) their first product choice as described in claim 1. To selectively choose the attribute of household identification from Christensen and remove the context around how and when it is used, and to then extend its abilities to suggest it is able to establish clear coupon redemption or declination is clearly impermissible hindsight. Furthermore, it is only with impermissible hindsight that one would think to so selectively combine Deaton, Sloane, and Christensen so as to arrive at the system described in claim 1.

Christensen, Deaton and Sloane have incompatible customer purchase information

There is implied teaching away from combination because all three references each capture information about a customer's purchase at distinctly different moments in the shopping process. While Sloane allows for the capture of product UPC codes during the product selection phase, Deaton instead captures all product information at the final moment when a purchase is being made. Christensen can only capture information about incentive redemption days or weeks later during the coupon reconciliation process at a coupon redemption clearinghouse.

This time of data acquisition is important and further renders the combination of the references incompatible. The manufacturer controlled incentive engines described by Deaton describes a system that relies on only passing the items purchased and prices paid to the manufacturer controlled incentive engines. If one were to combine Sloane and Deaton a customer using a wireless scanner while shopping would inevitably be scan a product they were only contemplating purchasing and would then change their mind and put back on the shelf. In the references cited, data acquired at different moments in the process will result in substantial changes to the nature of the data being captured itself. Such a difference in time additionally changes as the actionable nature

of such data. Information being sent from a hand held device as described in Sloane to manufacturer incentive engines as described by Deaton would not work.

Christensen doesn't suggest combination with either Deaton or Sloane since all the relevant information in this system is captured weeks later during the coupon reconciliation process at a clearinghouse.

Given the discrepancies in when data is captured these references, by implication, each teach away from combining itself with the other. Since they teach away from each other it would not be logical to combine them without the use of impermissible hindsight.

Christensen, Deaton and Sloane have incompatible customer incentive redemption information

References have different incompatible time frames for providing customer incentive redemption information to the manufacturer. Deaton describes a system whereby coupons are printed at the register after products have been scanned and purchased. Printing incentives at this stage means that any coupons used will not be redeemed for an indeterminate amount of time, that beginning on the date the coupons are issued at the checkout counter, adding the time until the customer goes shopping again and redeems said coupon. Accordingly, manufacturers will also be unable to receive any data pertaining to the redemption of offered incentives for an indeterminate amount of time.

Christensen describes printing a household ID onto each incentive. With the system described by Christensen incentive redemption can only be captured after an indeterminate time starting at the date the manufacturer issues the incentive, add the time until the incentive is loaded onto the customers computer, adding the time until

the customer prints the coupon, adding the time until the customer goes shopping and redeems the coupon, and adding the time until the coupon arrives at the coupon clearinghouse to be scanned.

Sloan describes a system that provides static incentives to a customer based upon searching a preloaded non-dynamic collection of incentives on a remote server or database. However Sloane does not describe notifying manufacturers of coupon redemption status. The system as described by Sloane indicates that a printed coupon may be generated, but said coupon is not described as having any means of identifying the customer so such information can *never* be captured.

The discrepancies between the capture of incentive redemption information and the time it takes to do so (if at all) illustrates how each reference teaches away from combining itself with any of the others. Since they teach away from each other it would not be logical to combine them without the use of impermissible hindsight.

Christensen, Deaton and Sloane have incompatible systems for acquiring incentives

References have different systems for acquiring the incentives that should be offered to a customer. Sloane teaches a system where incentives are selected from among those that have been preloaded into a computer server or database in the store. Christensen teaches a system where incentives are downloaded to a consumer's personal computer. Deaton describes a system that acquires shopping incentives generated by a plurality of manufacturer computers that determine incentives based on current and past purchases when a consumer scans products at the POS register. Given the discrepancies in the systems for storing or acquiring the incentives to offer these references teach away from each other by implication and it would not be logical to combine them without the use of impermissible hindsight.

Christensen, Deaton and Sloane have incompatible customer incentive delivery means

Cited references all have completely different means of delivering incentives to customers. Sloane teaches displaying incentives directly on a wireless device in the store while shopping. Deaton teaches a system that offers custom incentives printed at the register after the purchase is complete, delivered via email some time after the shopping is done, or alternatively printed at a kiosk in the store during the next shopping visit. Christensen teaches loading a computer program onto a personal computer, registering said application by calling an 800 number, providing detailed demographic information, searching the application for any coupons of interest, and then printing any coupons found. Given the discrepancies in the systems for delivering incentives these references teach away from each other by implication and it would not be logical to combine them without the use of impermissible hindsight.

References have dramatically different descriptions regarding integration with traditional Point of Sale systems. Deaton teaches a system that is very tightly integrated with the traditional existing store POS system with a cash register and scanner at the end of a check out aisle. As the Deaton system depends on data collected at the point of purchase and not during the shopping process it requires this tightly integrated configuration. Sloane, on the other hand, describes a system that is designed to replace the traditional POS system seen today and instead teaches a system with consumer self directed checkout that maintains a running total of purchases as a customer shops throughout the store. Christensen does not integrate with the POS system but instead prints a coupon at home and allows the POS system to remain largely intact. However, given the household identifying ID, it is apparent that Christensen would require additional hardware, software, or both to be installed at all coupon clearing houses to make the scanning and sorting of their target coupons possible. Given the discrepancies in utilization of traditional POS systems versus cart focused consumer directed checkout these references teach away from each other by implication.

Since the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified the teachings of the references are not sufficient to render the claims prima facie obvious and it would not be logical to combine them without the use of impermissible hindsight.

How two references that "teach away" can be combined with impermissible hindsight

In the most recent office action the Examiner found it "perplexing" that the applicant "claims that hindsight reasoning is the only way one would combine Deaton and Sloane". The Examiner also admitted to being "confused as to how, if 2 references supposedly teach away from each other, how they would be able to be combined under impermissible hindsight". Data and sequence of a process is critical in a system and method patent. The differences in data are not inconsequential. The differences in event occurrence sequence and timing are not inconsequential. To take each of the references and select slivers of minutia, and to then over generalize that minutia so that the relevant discordant details can be ignored only serves to obfuscate the teachings of the original references and to inappropriately broaden the scope of those references beyond what they should afford. The Applicant argues that impermissible hindsight provides the context and the roadmap for breaking off minute details from the numerous references, for over generalizing and in turn broadening their scope, and for then finally recombining them out of sequence. It is only through this process that one would be able to extract the otherwise incompatible slivers of description from Deaton, Sloane, and Christensen and recombine them in a way that would in any way reasonably resemble the attributes of claim 1. It is obvious to the Applicant that this process would not happen and one could not find the synergistic benefits described in claim 1 without the shopping list and road map afforded by impermissible hindsight.

Conclusion

Even if the combination of Deaton, Sloane, and Christensen were legally justified, claim 1 would still have novel and unobvious features over the proposed combination. Applicant's invention as defined by claim 1 comprises much more than starting with Deaton, adding the wireless scanning device as described in Sloane, and further adding the household ID as described by Christensen. Those features, more fully described in claim 1, include a system for delivering shopping incentives individually customized to influence each customer for products having machine readable codes whereby the incentives are generated by a plurality of independently competing manufacturer controlled dynamic incentive offer engines that use customer behavior data received from said processing application and further customize each incentive to meet the manufacturer's internal concerns and objectives, and where the incentives are presented to the customer at the time a purchase decision is being made.

Applicant submits that the novel features of claim 1 are unobvious and hence patentable under § 103 since they produce new and unexpected results over Sloane in view of Deaton and further in view of Christensen. The new and unexpected results, more fully described in claim 1, include a system for delivering shopping incentives individually customized to influence each customer for products having machine readable codes whereby the incentives are generated by a plurality of independently competing manufacturer controlled dynamic incentive offer engines that use customer behavior data received from said processing application and further customize each incentive to meet the manufacturer's internal concerns and objectives, and where the incentives are presented to the customer at the time a purchase decision is being made.

Dependent Claims 2, 3, 5, 7, And 8 Are A Fortiori Patentable Over Deaton, In View Of Sloane, And Further In View Of Christensen

The last O.A. rejected dependent claims 2, 3, 5, 7, and 8 on the teachings of Deaton (U.S. Patent No. 6,292,786) in view of Sloane (U.S. Patent No. 5,918,211), and further in view of Christensen (U.S. Patent No. 5,710,886). Dependent claims 2, 3, 5, 7, and 8 incorporate all the subject matter of claim 1 and add additional subject matter, which makes them a fortiori and independently patentable over these references.

The Rejection Of Dependent Claim 6 In View Of Deaton In View Of Sloane In View of Christensen And Further In View Of Anttila Is Overcome

The last O.A. rejected dependent claim 6 on the combined teachings of Deaton (U.S. Patent No. 6,292,786) in view of Sloane (U.S. Patent No. 5,918,211), in view of Christensen (U.S. Patent No. 5,710,886) and further in view of Anttila (U.S. Patent No. 6,862,575). Applicant requests reconsideration and allowance over this rejection.

Anttila describes a system for issuing electronic coupons whereby a master coupon is provided by a service which may be copied by customers and placed into an individual's electronic wallet, and said electronic wallet has a display that can render the coupon barcode in a way that can be scanned by the barcode reader at a point of sale (POS) register. The coupons described by Anttila can vary in value depending on the number of times a coupon is shared, a set time period, the purchase of specific items, the purchase of specific dollar values, or external parameters such as the score in a baseball game. The coupons may be transferred or recopied by the customer as desired. The customer may gain additional benefits by recopying the coupons to others.

Applicant submits that as claim 1 already overcomes Deaton, Sloane, and Christensen the addition of a wireless device as generating a bar code to be scanned by a point of

sale, as suggested by Anttila, brings forth the same arguments made above against combining references.

Applicant submits that it would not have been obvious to one having ordinary skill in the art to combine Anttila with Deaton, Sloane, or Christensen as there is no suggestion to combine these references, that they are incompatible in combination and thereby implicitly teach away from such combination, and even if the references were combined the combination would not show all of the novel features of dependent claim 6.

The system described by Sloane would eliminate the store POS system altogether by putting scanners onto each shopping cart and automatically registering coupons electronically. The scannable barcode display described by Anttila would have no reason to be included with Sloane since the coupons described in Sloane would never require scanning but would be provided by the system. Additionally, since all coupons in Sloane are preloaded into a server the coupon sharing and value variability described by Anttila would also be incompatible. These systems are completely incompatible and therefore strongly teach away from combination.

The system described by Deaton uses the products scanned at the POS register to send past and current product purchase information to manufacturer computers which then return coupons which are printed at the POS register. There would be no practical reason to add the dynamic barcode display found on Anttila since the Deaton system specifically uses a printer at the POS register. Furthermore, a successful integration of Anttila with Deaton would require additional hardware and or software necessary to allow for the loading of coupons onto the Anttila device as well as a means of disabling the printer in the event the Anttila device is present. Such complicated integration hardware and software is not described in either reference. Additionally, the dynamic pricing features described in Anttila teach away from combination with the printed, and

decidedly non-dynamic, incentive model described in Deaton. These systems are completely incompatible and therefore strongly teach away from combination.

The design of the Christensen system is dependent upon the printing of a coupon that has an identifying household ID printed on it so that the coupon can eventually be identified and reconciled at a coupon redemption clearinghouse. To combine the dynamic barcode display from Anttila with this system would render the system described by Christensen completely useless. Additionally the dynamic coupon values described in Anttila are entirely contrary to the controlled coupon values described by Christensen. These systems are completely incompatible and therefore strongly teach away from combination.

Given that Anttila is completely incompatible with Sloane, Deaton, and Christensen it is apparent that a person of ordinary skill in the art would not have combined these individual elements. Since the proposed modification or combination of the prior art would change the principle of operation of the referenced prior art inventions being modified the teachings of the references are not sufficient to render the claims prima facie obvious. One of ordinary skill in the art would not reasonably combine Sloane, Deaton, Christensen, and Anttila since it would only make sense with the benefit of impermissible hindsight vision afforded by the claimed invention.

The Rejection Of Claim 9 Under 35 U.S.C 112, First Paragraph, Is Overcome

The response to this rejection uses the same reasoning written above in the section referenced as "The Rejection Of Claim 1 Under 35 U.S.C 112, First Paragraph, Is Overcome".

The Rejection Of Claim 9 Under 35 U.S.C 112, Second Paragraph, Is Overcome

The response to this rejection uses the same reasoning written above in the section referenced as "The Rejection Of Claim 1 Under 35 U.S.C 112, Second Paragraph, Is Overcome".

The Rejection Of Claim 9 On Deaton In View Of Sloane Further In View Of Christensen Is Overcome

The last O.A. rejected claim 9 on the teachings of Deaton (U.S. Patent No. 6,292,786) in view of Sloane (U.S. Patent No. 5,918,211) further in view of Christensen (U.S. Patent No. 5,710,886). Applicant requests withdrawal of this rejection because the claim has been amended and has been made more precise. Applicant also requests withdrawal of this rejection because the references teach away from combination and one of ordinary skill in the art would not combine the above references without impermissible hindsight. Furthermore, even if the references were combined, Deaton, Sloane, and Christensen do not teach the unique aspects described in claim 9.

Differences in manufacturer controlled offer engines

Sloane teaches a method that offers shoppers incentives which have been preloaded from each manufacturer into a controller that later determines if a consumer will receive notification of the incentive being offered. Because the loading of these incentives happens prior to the shopper scanning a product the method described by Sloane does not deliver shopping incentives individually customized to influence each customer. Accordingly Sloane also fails to describe a method that combines the product being considered for purchase with the consumer's past shopping behavior metrics to create targeted and customized incentives.

The Examiner suggested in the last office action that "the incentive offered to the user

could be a promotion for the product scanned or a promotion for other competitive products (this is an example of competitive incentive offer engines)". In the passage referenced by the Examiner Sloane only speaks of product promotions but not of the means by which they are established within the method. A few lines later though Sloane describes a method where consumers can use the method to access "discounts, credits, reward or product promotions contained and stored in their electronic frequent shopper account" (Sloane Column 3, Lines 37-40). The incentives described by Sloane are preexisting incentives loaded on the server before the consumer makes any selections. There is no suggestion or description in Sloane that there are incentive offer engines, competitive incentive offer engines, or a plurality of competing manufacturer controlled dynamic incentive offer engines to deliver shopping incentives. The only way one could see the competitive incentive offer engines in Sloan would be to selectively parse out a thin portion of the description, disregard the details and context of that description, to over generalize the selected description, and to finally broaden the scope of the description using impermissible hindsight.

The incentive delivery method described by Deaton is also significantly different from that described in claim 9. Deaton teaches a method for delivering incentives based on purchases as scanned at the point of sale (POS) register and a history of items purchased by the customer in previous shopping trips. The Deaton method does not describe using products currently being considered by the customer while shopping nor does it describe using a customer's past shopping behavior metrics such as the item first scanned while shopping within the product class on a shopping trip, the product class incentives offered on said shopping trip, the product class incentives redeemed on said shopping trip, and the product class incentives declined on said shopping trip.

Deaton does describe a method where manufacturer computers determine the incentives to be offered, however the input and output capabilities specified for the

computers in Deaton's method are substantially different from the independently competing manufacturer controlled dynamic incentive offer engines described in claim 9. The computers described in the Deaton method would not accept customer behavior data comprised of demographic information and customer's past shopping behavior metrics such as the item first scanned while shopping within the product class on a shopping trip, the product class incentives offered on said shopping trip, the product class incentives redeemed on said shopping trip, and the product class incentives declined on said shopping trip. Because of the lack of detailed behavior data, Deaton's method does not provide the same targeted customization for each incentive. Claim 9 and Deaton both describe "manufacturer computers" but they cannot be regarded as equivalent and would not be perceived as equivalent unless one were to selectively parse out a very narrow definition of "manufacturer computer" from the Deaton description, disregard the input and output details, disregard the usage context surrounding that description, to then over generalize the selected description, and to finally selectively broaden the scope of the description using impermissible hindsight to find equality with claim 9. Accordingly to extend the function of the manufacturer computers in Deaton to meet that described in claim 9 would only be possible with impermissible hindsight.

The combination of Sloane and Deaton is not suggested or obvious

Because the Deaton method relies on the POS system for both data capture and for providing incentives it also does not describe a wireless device that has a scanning means usable by the shopper to read the machine readable codes, that can communicate the machine readable code and shopper information to a processing application, that can receive incentives from said processing application, that has a user interface usable by the shopper to select the incentives to be redeemed, that has means for communicating said incentives to be redeemed to a point of sale system, and that

has means for communicating said incentives to be redeemed to said processing application.

The manufacturer controlled incentive engines described by Deaton are incompatible with the data that would be provided by a wireless system as described by Sloane. The data the Deaton method sends to the manufacturer controlled incentive engines is limited to items purchased and prices paid. If one were to combine the wireless handheld scanner described by Sloane with the manufacturer controlled incentive engines described by Deaton, the incentive engines would instead receive additional data scanned while the person is shopping and has not yet finalized a purchase decision. The manufacturer controlled incentive engines described by Deaton would not expect and therefore not be able to handle the kinds of data that would be provided by such a method. The references not only do not teach the unique aspects described by claim 9, the references teach away from combination. One of ordinary skill reading these patents would not be led to combine them. To extract such specific descriptions from these references, to then over generalize their roles in their respective methods, to then recombine these pieces out of their original sequence, while also adding the missing features described in claim 9 would not be possible without the benefit of impermissible hindsight.

Market share concerns and budgetary efficiency/efficacy concerns

The method described by Deaton offers traditional post-purchase printed coupons delivered via the point of sale register. Because printed coupons have expiration dates that measure in weeks and months the dynamic coupons offered by Deaton cannot offer the direct budgetary flexibility afforded by claim 9 where manufacturer's internal concerns include marketing budget and internal market share objectives. Printed coupons, such as those provided by Deaton, are no better than the coupons printed in the Sunday paper in that the manufacturer is unable to know the redemption status of

an offered coupon for weeks or months. This time lag and uncertainty requires the manufacturer to tie up budgetary funds to cover estimated maximum redemption rates thereby limiting the flexibility needed to reallocate those funds to other more successful incentive programs or other better methods of marketing. Claim 9 purposefully remedies this problem by creating incentives that are offered while the shopper is in the aisle and standing in front of the array of competing products in the aisle at the precise moment the purchase decision is being made. The individual attributes described in claim 9 are synergistic and not meant to be picked apart and dismissed one by one beyond the context of the whole claim. Claim 9 enables manufacturers to rapidly monitor and assess the success of each incentive and to quickly reallocate budgetary funds to those incentive programs that are most successful while reducing the funding of those that are not. It does not make sense to equate this enhanced budgetary control with the more rudimentary form of budgetary concerns as attributed to the references, and one would not be inclined to do so without the benefit of impermissible hindsight.

Sloane teaches away from combination with Deaton

Not only do the references not combine to provide the benefits described in claim 9, there is explicit teaching away from combination found in the references. Sloane explicitly teaches away from combining or integrating with any method that distributes coupons with certain key attributes. As explained in Sloane:

> "U.S. Pat. Nos. 4,910,672, 4,723,212, and 5,173,851, assigned to Catalina Marketing Corporation, disclose methods of dispensing coupons, including coupons for competitive products, based on a consumer's purchases as they are identified by the bar code scanner mounted inside the checkout counter, and connected to point-of-sale electronic system. Each of the systems disclosed require the use of checkout counter scanners, which are used as point-of-sale

devices.

> The prior art methods of distributing consumer promotions and coupons, based on checkout scanner information, in an effort to affect future purchasing behavior are inefficient. This inefficiency is due to the fact that a substantial number of the issued discounts or coupons go unused because consumers are required to remember to bring them to the store on their next visit." (Column 1, Lines 51-67)

These key elements referenced above in Sloane, specifically the method for dispensing coupons based on a consumer's purchases as they are identified by the bar code scanner mounted inside the checkout counter connected to point-of-sale electronic system, accurately describe those found in Deaton's. Sloane describes his method as superior and inherently incompatible with one such as that described by Deaton.

A person of ordinary skill in the art would have been discouraged from combing these individual elements given the explicit teaching away from such a combination as found in Sloane. It is only with impermissible hindsight that one would think to minutely parse and over generalize the features of Deaton, Sloane, and Christensen to arrive at the features described in claim 9.

Deaton determines incentives based on current purchases (scanned at point of sale) whereas Sloane describes a method that is used to scan products while still shopping, specifically identified as "Point-of-Purchase", where products are only selected and their ultimate purchase remains in question and open to influence. Sloane even discusses the distinction between the term point-of-sale as used by Deaton.

> "Promotional offers and coupon distribution for competitive products serve to alter the consumer's future purchasing behavior. The most widely used example of this involves coupons printed and distributed at the supermarket or retailer checkout counter based on the items that are purchased (i.e., point-of-sale). These issued coupons must be used on a subsequent trip to the supermarket or retail establishment." (Column 1, Lines 44-50)

Integration of Sloane and Deaton would not work because the method described by Sloane provides coupons while shopping and Deaton instead provides them only after products have been purchased. In the Sloane method products are only purchased after the consumer has returned the portable bar code scanner to the scanner center. Since the scanner would have been returned and not in the possession of the consumer all incentives would again have to be delivered after the shopping is competed as described in Deaton.

Additionally, the manufacturer controlled incentive engines described by Deaton are incompatible with the data that would be provided by a wireless system as described by Sloane. Deaton specifically describes a method that is designed to provide items purchased and prices paid to the manufacturer controlled incentive engines. However, if one were to combine the wireless handheld scanner described by Sloane with the manufacturer controlled incentive engines described by Deaton, the incentive engines would receive product data scanned while the person is still shopping and has not yet finalized a purchase decision. The manufacturer controlled incentive engines described by Deaton would not expect nor would they be able to handle the kinds of data that would be provided by such a method.

The references teach away from each other and would only be seen as combinable to arrive at the method described in claim 9 given a very selective parsing of the

descriptions removing the context of inputs and outputs, a rearrangement of the order of use, and a generalizing of the selected descriptions with the use of impermissible hindsight.

Christensen category de-emphasis versus claim 9 declined incentives

Christensen teaches a method whereby a customer loads a computer program onto his or her personal computer, registers said program by calling an 800 number to provide detailed demographic information, and then is able to search the application on his or her computer for any coupons the customer might be interested in. Once a customer locates a coupon, he or she would print the coupon on a printer whereby the coupon would have a unique household ID printed on it. At this point the coupon is no different in usage than a common printed paper coupon. Christensen describes that the household ID printed on the coupon would allow his method to determine "exactly which consumers purchased which particular products and from which retailers" (Column 10, Lines 48-50). Later Christensen teaches that based on the coupons redeemed his method can emphasize and de-emphasize whole categories of coupons, but he does not suggest the ability to establish that any specific incentive has been explicitly rejected.

> "If the consumer redeems no coupons from a given category, such coupons may be de-emphasized until the consumer's buying habits change. For example, if a given consumer uses no baby or child product coupons, such categories may be de-emphasized. If a consumer starts redeeming such coupons, then it may be inferred that the consumer has started a family, and coupons targeted toward family needs may then be included in a consumer's subsequent mailings." (Column 10, Lines 4-12)

When a coupon has not been redeemed, even though it has been loaded into a customer's computer, Christensen cannot infer that the coupon has been "rejected",

only that the whole product category can be de-emphasized. Furthermore, in scenarios where a coupon has been confirmed as printed and still not redeemed Christensen warns against presuming that as accurate enough to infer that the printed incentive has been rejected. He explicitly teaches against making such an assumption.

> "Coupon printing information may be uploaded via such on-line services to provide marketing data, however, it is believed that such printing data may not be as accurate as redemption data, as redemption data indicates a definite sale of a product." (Column 11, Lines 22-26)

Given that Christensen teaches against the ability to infer coupon rejection in the event that a coupon is printed and then not redeemed, it is clear that in the event a coupon has not been printed and not redeemed that this would be an even more unreliable indicator of individual incentive rejection.

The method described in claim 9 establishes precise ongoing shopping behavior metrics through the tracking of past items first scanned within a product class while shopping and, because of the timely immediacy of incentives offered in the store at the moment a purchase decision is being made so that the method accurately track the incentives offered, the incentives declined, and the incentives ultimately redeemed.

Neither Deaton nor Sloane describe tracking other past shopping behavior metrics such as past incentives redeemed, past incentives refused, or items first scanned within a product category on each shopping trip. The purchase history described by Deaton and Sloane falls far short of the metrics tracked by the method described in claim 9. While Christensen does describe printing a household ID onto each coupon it is not suggested that this mechanism would provide a metric for measuring incentives refused just because they were not printed and accordingly not redeemed. To reinforce this point

Christensen teaches against making such assumptions of incentive rejection as inaccurate even in the event a coupon is printed and still not redeemed.

Given that Christensen teaches against the ability to infer coupon rejection in the event that a coupon is printed and then not redeemed, it is clear that in the event a coupon has not been printed and not redeemed that this would be an even more unreliable indicator of incentive rejection.

Neither Deaton nor Sloane nor Christensen describe capturing the customer behavior metrics that establish the efficacy of past incentives and their ability get each consumer to abandon (or retain) their first product choice as described in claim 9. To selectively choose the attribute of household identification from Christensen and remove the context around how and when it is used, and to then extend its abilities to suggest it is able to establish clear coupon redemption or declination is clearly impermissible hindsight. Furthermore, it is only with impermissible hindsight that one would think to so selectively combine Deaton, Sloane, and Christensen so as to arrive at the method described in claim 9.

Christensen, Deaton and Sloane have incompatible customer purchase information

There is implied teaching away from combination because all three references each capture information about a customer's purchase at distinctly different moments in the shopping process. While Sloane allows for the capture of product UPC codes during the product selection phase, Deaton instead captures all product information at the final moment when a purchase is being made. Christensen can only capture information about incentive redemption days or weeks later during the coupon reconciliation process at a coupon redemption clearinghouse.

This time of data acquisition is important and further renders the combination of the references incompatible. The manufacturer controlled incentive engines described by Deaton describes a method that relies on only passing the items purchased and prices paid to the manufacturer controlled incentive engines. If one were to combine Sloane and Deaton a customer using a wireless scanner while shopping would inevitably be scan a product they were only contemplating purchasing and would then change their mind and put back on the shelf. In the references cited, data acquired at different moments in the process will result in substantial changes to the nature of the data being captured itself. Such a difference in time additionally changes as the actionable nature of such data. Information being sent from a hand held device as described in Sloane to manufacturer incentive engines as described by Deaton would not work.

Christensen doesn't suggest combination with either Deaton or Sloane since all the relevant information in this method is captured weeks later during the coupon reconciliation process at a clearinghouse.

Given the discrepancies in when data is captured these references, by implication, each teach away from combining itself with the other. Since they teach away from each other it would not be logical to combine them without the use of impermissible hindsight.

Christensen, Deaton and Sloane have incompatible customer incentive redemption information

References have different incompatible time frames for providing customer incentive redemption information to the manufacturer. Deaton describes a method whereby coupons are printed at the register after products have been scanned and purchased. Printing incentives at this stage means that any coupons used will not be redeemed for an indeterminate amount of time, that beginning on the date the coupons are issued at

the checkout counter, adding the time until the customer goes shopping again and redeems said coupon. Accordingly, manufacturers will also be unable to receive any data pertaining to the redemption of offered incentives for an indeterminate amount of time.

Christensen describes printing a household ID onto each incentive. With the method described by Christensen incentive redemption can only be captured after an indeterminate time starting at the date the manufacturer issues the incentive, add the time until the incentive is loaded onto the customers computer, adding the time until the customer prints the coupon, adding the time until the customer goes shopping and redeems the coupon, and adding the time until the coupon arrives at the coupon clearinghouse to be scanned.

Sloan describes a method that provides static incentives to a customer based upon searching a preloaded non-dynamic collection of incentives on a remote server or database. However Sloane does not describe notifying manufacturers of coupon redemption status. The method as described by Sloane indicates that a printed coupon may be generated, but said coupon is not described as having any means of identifying the customer so such information can *never* be captured.

The discrepancies between the capture of incentive redemption information and the time it takes to do so (if at all) illustrates how each reference teaches away from combining itself with any of the others. Since they teach away from each other it would not be logical to combine them without the use of impermissible hindsight.

Christensen, Deaton and Sloane have Incompatible methods for acquiring incentives

References have different methods for acquiring the incentives that should be offered to a customer. Sloane teaches a method where incentives are selected from among

those that have been preloaded into a computer server or database in the store. Christensen teaches a method where incentives are downloaded to a consumer's personal computer. Deaton describes a method that acquires shopping incentives generated by a plurality of manufacturer computers that determine incentives based on current and past purchases when a consumer scans products at the POS register. Given the discrepancies in the methods for storing or acquiring the incentives to offer these references teach away from each other by implication and it would not be logical to combine them without the use of impermissible hindsight.

Christensen, Deaton and Sloane have incompatible customer incentive delivery means

Cited references all have completely different means of delivering incentives to customers. Sloane teaches displaying incentives directly on a wireless device in the store while shopping. Deaton teaches a method that offers custom incentives printed at the register after the purchase is complete, delivered via email some time after the shopping is done, or alternatively printed at a kiosk in the store during the next shopping visit. Christensen teaches loading a computer program onto a personal computer, registering said application by calling an 800 number, providing detailed demographic information, searching the application for any coupons of interest, and then printing any coupons found. Given the discrepancies in the methods for delivering incentives these references teach away from each other by implication and it would not be logical to combine them without the use of impermissible hindsight.

References have dramatically different descriptions regarding integration with traditional Point of Sale systems. Deaton teaches a method that is very tightly integrated with the traditional existing store POS system with a cash register and scanner at the end of a check out aisle. As the Deaton method depends on data collected at the point of purchase and not during the shopping process it requires this tightly integrated configuration. Sloane, on the other hand, describes a method that is

designed to replace the traditional POS system seen today and instead teaches a method with consumer self directed checkout that maintains a running total of purchases as a customer shops throughout the store. Christensen does not integrate with the POS system but instead prints a coupon at home and allows the POS system to remain largely intact. However, given the household identifying ID, it is apparent that Christensen would require additional hardware, software, or both to be installed at all coupon clearing houses to make the scanning and sorting of their target coupons possible. Given the discrepancies in utilization of traditional POS systems versus cart focused consumer directed checkout these references teach away from each other by implication.

Since the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified the teachings of the references are not sufficient to render the claims prima facie obvious and it would not be logical to combine them without the use of impermissible hindsight.

How two references that "teach away" can be combined with impermissible hindsight

In the most recent office action the Examiner found it "perplexing" that the applicant "claims that hindsight reasoning is the only way one would combine Deaton and Sloane". The Examiner also admitted to being "confused as to how, if 2 references supposedly teach away from each other, how they would be able to be combined under impermissible hindsight". Data and sequence of a process is critical in a method and method patent. The differences in data are not inconsequential. The differences in event occurrence sequence and timing are not inconsequential. To take each of the references and select slivers of minutia, and to then over generalize that minutia so that the relevant discordant details can be ignored only serves to obfuscate the teachings of the original references and to inappropriately broaden the scope of those references beyond what they should afford. The Applicant argues that impermissible hindsight

provides the context and the roadmap for breaking off minute details from the numerous references, for over generalizing and in turn broadening their scope, and for then finally recombining them out of sequence. It is only through this process that one would be able to extract the otherwise incompatible slivers of description from Deaton, Sloane, and Christensen and recombine them in a way that would in any way reasonably resemble the attributes of claim 9. It is obvious to the Applicant that this process would not happen and one could not find the synergistic benefits described in claim 9 without the shopping list and road map afforded by impermissible hindsight.

Conclusion

Even if the combination of Deaton, Sloane, and Christensen were legally justified, claim 9 would still have novel and unobvious features over the proposed combination. Applicant's invention as defined by claim 9 comprises much more than starting with Deaton, adding the wireless scanning device as described in Sloane, and further adding the household ID as described by Christensen. Those features, more fully described in claim 9, include a method for delivering shopping incentives individually customized to influence each customer for products having machine readable codes whereby the incentives are generated by a plurality of independently competing manufacturer controlled dynamic incentive offer engines that use customer behavior data received from said processing application and further customize each incentive to meet the manufacturer's internal concerns and objectives, and where the incentives are presented to the customer at the time a purchase decision is being made.

Applicant submits that the novel features of claim 9 are unobvious and hence patentable under § 103 since they produce new and unexpected results over Sloane in view of Deaton and further in view of Christensen. The new and unexpected results, more fully described in claim 9, include a method for delivering shopping incentives individually customized to influence each customer for products having machine

readable codes whereby the incentives are generated by a plurality of independently competing manufacturer controlled dynamic incentive offer engines that use customer behavior data received from said processing application and further customize each incentive to meet the manufacturer's internal concerns and objectives, and where the incentives are presented to the customer at the time a purchase decision is being made.

Dependent Claims 10-13, 15 And 16 Are A Fortiori Patentable Over Deaton, In View Of Sloane, And Further In View Of Christensen

The last O.A. rejected dependent claims 10-13, 15, and 16 on the teachings of Deaton (U.S. Patent No. 6,292,786) in view of Sloane (U.S. Patent No. 5,918,211), and further in view of Christensen (U.S. Patent No. 5,710,886). Original dependent claims 10-13, 15, and 16 incorporate all the subject matter of claim 9 and add additional subject matter, which makes them a fortiori and independently patentable over these references.

The Rejection Of Dependent Claim 14 In View Of Deaton In View Of Sloane In View of Christensen And Further In View Of Anttila Is Overcome

The response to this rejection uses the same reasoning written above in the section referenced as "The Rejection Of Dependent Claim 6 In View Of Deaton In View Of Sloane In View of Christensen And Further In View Of Anttila Is Overcome".

Conclusion

In view of the above it is submitted that the claims are in condition for allowance. Reconsideration and allowance of the objections is respectfully requested.

Conditional Request For Constructive Assistance

Applicant has amended the claims of this specification so that they are proper, definite, and define a novel system and method, which is also unobvious. If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,
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